

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

33692.01.0023

First Named Inventor: Senaka BalasuriyaArt Unit: 2457Application Number: 10/034,794Examiner: Yves DalencourtFiled: December 28, 2001

Title:

MULTI-MODAL COMMUNICATION USING A SESSION SPECIFIC PROXY SERVER

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3262.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer form – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

- ☐ Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Other than small entity – fee \$ 540.00 (37 CFR 1.17(l)).

2. Reply and/or fee

- A The reply and/or fee to the above-noted Office action in the form of
Pre-Appeal Brief Request for Review (identify the type of reply):

- ☒ has been filed previously on May 19, 2009
- ☐ is enclosed herewith.

- B The issue fee of \$ _____

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Christopher J. Reckamp/

January 7, 2010

Signature

Date

Christopher J. Reckamp

34,414

Typed or printed name

Registration Number, if applicable

222 N. LaSalle Street

312-609-7599

Address

Telephone Number

Chicago, Illinois 60601

Address

Enclosure ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted to the United States Patent and Trademark Office via electronic transmission on:

January 7, 2010

/Christine A. Wright/

Date

Signature

Christine A. Wright

Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

<u>/Christopher J. Reckamp/</u>	<u>January 7, 2010</u>
Signature	Date
<u>Christopher J. Reckamp</u>	<u>34,414</u>
Typed or printed name	Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The Notice of Abandonment dated December 9, 2009 states that the application is abandoned in view of: "Applicants failure to timely file a proper reply to the office letter mailed on 19 February 2009." and that "no reply has been received." Applicant respectfully petitions for revival due to Patent Office error as set forth below.

1. The office letter mailed on 19 February 2009 (attached as Exhibit A) was a final action.
2. Applicant filed a timely reply within three (3) months of the final action date, namely on May 19, 2009 by filing a Notice of Appeal, Pre-Appeal Brief Request for Review and supporting remarks that were received by the Patent Office as evidenced by the attached Acknowledgement Receipt (attached as Exhibit B).

Based on this information alone, the application was improperly abandoned by the U.S. Patent and Trademark Office since the Pre-Appeal Brief Request for Review was filed in a timely manner. As such, Applicant respectfully requests reinstatement of the application and a return of the petition fee submitted as part of this Petition.

Applicant also notes that further confirmation that a timely reply was filed is present in the record via the Notice of Panel Decision from Pre-Appeal Brief Review (attached as Exhibit C) dated August 7, 2009. The first line of this document acknowledges that the Pre-Appeal Brief Request for Review was timely filed on May 19, 2009. Accordingly, multiple pieces of information verify that Applicant timely filed a response to the final action of February 19, 2009, and as such, the application went abandoned due to PTO error. Applicant's attorney also spoke with Examiner Dalencourt. The Examiner indicated that the Notice of Abandonment was issued in error but could not be withdrawn so that this Petition needed to be filed along with a request that the petition fee be reimbursed since the abandonment was due to PTO error.

Review of the internal Patent Office records for this file will also show that an Appeal Brief and Amendment were also timely filed and received by the U.S. Patent Office in response to the Panel Decision dated August 7, 2009.

(Please attach additional sheets if additional space is needed.)